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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/107,072 06/29/98 WU

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EXAMINER

VATERLAUS, C

ART UNIT

PAPER NUMBER

3627

DATE MAILED:

11/10/99

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AIR MAIL

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/107,072

Applicant(s)
Wu et al.

Examiner
Clifford B. Vaterlaus

Group Art Unit
3627



☒ Responsive to communication(s) filed on Aug 24, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-8 is/are pending in the application.

Of the above, claim(s) 1-4 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 5-8 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Aug 24, 1999 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Objections

1. The numbering of claims is not accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-4 in the amendment submitted 8/24/99 have been renumbered 5-8 respectively. Original claims 1-4 are presumed to be replaced by claims 5-8, thus claims 1-4 have been withdrawn from consideration and should be canceled. Applicant should refer to the claims as renumbered (1-8) in future correspondence.

2. Claim 5 is objected to because of the following informalities: line 5, before "wedged" insert --a--; line 15 after "plate" insert --to--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5-8 recite a cover, linked plate, driving wheel and bottom each with a first face and a second face. The claims must be clear which element is referred to when reciting a first face or second face to avoid confusion. For example:

Claim 5, lines 7-8, after "second face" insert --of the linked plate--;

Claim 5, line 8, after "first face" insert --of the linked plate--;

Claim 5, line 13, after "first face" insert --of the driving wheel--;

Claim 6, line 3, after "first face" insert --of the bottom--;

5. Claim 5 recites the limitation "the wedged ramp of the second face of the linked plate" in lines 11-12. There is insufficient antecedent basis for this limitation in the claim (replace "the second face of the linked plate" with --base--).

6. Claim 8 recites the limitation "the second face of the sealing gasket" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat.

No. 5,743,424 to Murata et al. in view of U.S. Pat. No. 1,273,625 to Lane and U.S. Pat. No. 5,599,028 to Neumann et al.

Murata discloses a mechanically actuated airtight device comprising a cover (9A) with at least one hole (35) therethrough, a sealing gasket (40) with a base (44) forming a through opening. Murata discloses a linked plate (22) and a driving wheel (21). Murata discloses a bottom (9B) under the driving wheel and engaged with the cover. The Gasket has a rim (41) in the first face.

Murata does not disclose a protuberance on the link plate and a guiding groove on the driving wheel, rather Murata discloses the protuberance (25) on the driving wheel and the groove (22) on the link plate. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the location of the protuberance and guiding groove, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Murata does not disclose a wedged ramp on the base of the gasket and a wedged ramp on the linked plate, the wedged ramps mating with equal slopes. However, wedged ramps on the base of gaskets are well known as taught by Neumann. Furthermore, Lane discloses mating wedged ramps (5, 7) with equal slopes (see fig. 3) for solving the problem of converting

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horizontal movement to vertical movement. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine a seal having a base in a form of a wedged ramp as taught by Neumann and wedged ramps with mating equal slopes as taught by Lane with the device of Murata, to convert the horizontal motion of the linked plate into vertical motion. The use of wedged ramps as disclosed by Lane is a well known method of converting horizontal motion into vertical motion. Murata discloses that optional methods for converting horizontal motion to vertical motion can be used (col. 7, lines 33-36).

Regarding claim 8, the wedged ramp disclosed by Neumann is made of elastomeric material.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

10. Applicant's arguments filed 8/24/99 have been fully considered but they are not persuasive.

In response to Applicant's piecemeal analysis of the references, it has been held that one cannot show non-obviousness by attacking references individually where, as here, the rejections are based on combinations of references. *In re Keller*, 208 USPQ 871 (CCPA 1981).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cliff Vaterlaus whose telephone number is (703)306-9177. The examiner can normally be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BethAnne Dayoan, can be reached at (703) 308-3865.

Submission of your response by facsimile transmission is encouraged. Group 3620's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01.

In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

(Typed or printed name of person signing this certificate)

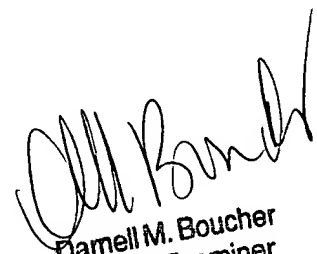
If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be directed to bethanne.dayoan@uspto.gov.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist at (703) 308-2168.


Darrell M. Boucher
Primary Examiner

Cliff Vaterlaus

October 28, 1999